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Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **Dredge Dredged Material Disposal Alternatives Act of 2004**

3 FOR the purpose of establishing a ~~Dredge Dredged~~ Material Disposal Alternatives
4 Program within the Department of Business and Economic Development;
5 providing for the purposes, goals, and activities of the Program; requiring the
6 Department of Business and Economic Development to seek certain moneys for
7 the Program; making the Program contingent on the allocation to the Program
8 of ~~a certain percentage of the~~ money appropriated in the State budget to the
9 ~~Maryland Port Administration for certain uses~~ Department of Transportation;
10 requiring the Maryland Department of Transportation to allocate certain money
11 appropriated to it after certain conditions are met; requiring the Administration
12 to be responsible for transporting and the costs of transporting ~~dredge dredged~~
13 material to certain facilities; defining certain terms; requiring recipients of
14 financial assistance from the Program to submit certain reports on a certain
15 basis to the Department of Business and Economic Development; authorizing
16 the Department to impose terms and conditions on financial assistance provided
17 from the Program; requiring, on or before a certain date, the Maryland
18 Department of Transportation to submit a certain report to certain persons; and
19 generally relating to the ~~Dredge Dredged~~ Material Disposal Alternatives
20 Program.

21 BY adding to
22 Article 83A - Department of Business and Economic Development

1 Section 6-801 through 6-803, inclusive, to be under the new subtitle "Subtitle 8.
 2 ~~Dredge~~ Dredged Material Disposal Alternatives Program"
 3 Annotated Code of Maryland
 4 (2003 Replacement Volume)

5 Preamble

6 WHEREAS, The shipping channels for the Port of Baltimore, including the main
 7 channels and anchorages in and adjacent to the Chesapeake Bay and its approaches,
 8 must undergo dredging in order to maintain channel depth necessary for the
 9 economic viability of the Port; and

10 WHEREAS, ~~Dredge~~ Dredged material has economic value and is a sustainable,
 11 replenishable resource; and

12 WHEREAS, There is a pressing need to work within a climate of limited
 13 financial resources to fulfill the stewardship responsibilities for the infrastructure of
 14 Maryland's water resources; and

15 WHEREAS, Innovative solutions can facilitate the successful management of
 16 materials dredged from the Chesapeake Bay and the Port of Baltimore, create jobs
 17 and economic growth, and retain existing jobs; and

18 WHEREAS, The beneficial reuse and conversion of ~~dredge~~ dredged material
 19 into end products that have economic value will result in a self-sustaining program
 20 for the reuse of ~~dredge~~ dredged material and in the creation of renewable ~~dredge~~
 21 dredged material disposal options for future maritime disposal needs; now, therefore,

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article 83A - Department of Business and Economic Development**

25 SUBTITLE 8. ~~DREDGE~~ DREDGED MATERIAL DISPOSAL ALTERNATIVES PROGRAM.

26 6-801.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 28 INDICATED.

29 (B) "~~DREDGE~~ DREDGED MATERIAL" MEANS SAND, SILT, SEDIMENT, SHELL,
 30 ROCK, SOIL, WASTE MATTER, OR OTHER MATERIAL EXCAVATED OR DREDGED FROM
 31 THE CHESAPEAKE BAY AND ITS TRIBUTARY WATERS.

32 (C) "~~DREDGE~~ DREDGED MATERIAL REUSE FACILITY" MEANS A FACILITY THAT
 33 DEWATERS, ANALYZES FOR CONTAMINANTS, DRIES, AND PROCESSES ~~DREDGE~~
 34 DREDGED MATERIAL FOR REUSE IN AN ECONOMICALLY BENEFICIAL MANNER.

1 (D) "REUSE" MEANS THE RECYCLING OF ~~DREDGE~~ DREDGED MATERIAL FOR
2 ITS USE IN ANOTHER PRODUCT, INCLUDING, BUT NOT LIMITED TO, COMMERCIAL
3 AND INDUSTRIAL USES.

4 6-802.

5 (A) THERE IS A ~~DREDGE~~ DREDGED MATERIAL DISPOSAL ALTERNATIVES
6 PROGRAM IN THE DEPARTMENT.

7 (B) (1) THE PURPOSE OF THE PROGRAM IS TO:

8 (I) DESIGNATE INNOVATIVE REUSES OF ~~DREDGE~~ DREDGED
9 MATERIAL AS A SUSTAINABLE ALTERNATIVE IN THE MANAGEMENT OF ~~DREDGE~~
10 DREDGED MATERIAL DISPOSAL; AND

11 (II) PROVIDE FINANCIAL ASSISTANCE TO INDIVIDUALS AND
12 BUSINESS ENTERPRISES FOR THE PRODUCTION AND MARKETING OF
13 TECHNOLOGIES THAT DEWATER, ANALYZE FOR CONTAMINANTS, DRY, AND PROCESS
14 ~~DREDGE~~ DREDGED MATERIAL FOR REUSE IN AN ECONOMICALLY BENEFICIAL
15 MANNER.

16 (2) THE GOALS OF THE PROGRAM ARE TO:

17 (I) IMPLEMENT BENEFICIAL REUSE OF ~~DREDGE~~ DREDGED
18 MATERIALS AS A SUSTAINABLE ~~DREDGE~~ DREDGED MATERIAL MANAGEMENT
19 METHOD;

20 (II) FOSTER MARKETS FOR END USE PRODUCTS THAT USE ~~DREDGE~~
21 DREDGED MATERIAL AS A RESOURCE;

22 (III) INCREASE PUBLIC AWARENESS OF THE MANY VALUABLE
23 COMMERCIAL AND INDUSTRIAL USES OF ~~DREDGE~~ DREDGED MATERIAL AND
24 PRODUCTS THAT ARE PRODUCED USING ~~DREDGE~~ DREDGED MATERIAL; AND

25 (IV) FACILITATE THE REUSE OF AT LEAST 500,000 CUBIC YARDS OF
26 ~~DREDGE~~ DREDGED MATERIAL EACH YEAR.

27 (C) THE PROGRAM SHALL:

28 (1) SEEK MONEYS AVAILABLE THROUGH FEDERAL PROGRAMS TO BE
29 USED IN ADMINISTERING THE PROGRAM;

30 (2) ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS AND PROVIDE
31 FINANCIAL ASSISTANCE TO FOSTER THE DEVELOPMENT, CONSTRUCTION, AND
32 OPERATION OF ~~DREDGE~~ DREDGED MATERIAL REUSE FACILITIES IN THE STATE;

33 (3) PROVIDE FINANCIAL ASSISTANCE FOR THE DEVELOPMENT OF END
34 USE MARKETS FOR ~~DREDGE~~ DREDGED MATERIAL; AND

35 (4) PROMOTE THE REUSE OF ~~DREDGE~~ DREDGED MATERIAL AND
36 MARKET THE RESULTING PRODUCTS.

1 (D) FINANCIAL ASSISTANCE FROM THE PROGRAM MAY BE IN THE FORM OF
2 LOANS OR GRANTS, AS PROVIDED IN THE REGULATIONS ADOPTED BY THE
3 DEPARTMENT.

4 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
5 SUBTITLE.

6 (F) (1) THE PROGRAM IS CONTINGENT ON THE ALLOCATION ~~TO THE~~
7 ~~PROGRAM OF 5% OF THE~~ MONEY APPROPRIATED IN THE ANNUAL STATE BUDGET TO
8 ~~THE MARYLAND PORT ADMINISTRATION FOR THE MANAGEMENT OF DREDGE~~
9 ~~MATERIAL MARYLAND DEPARTMENT OF TRANSPORTATION.~~

10 (2) THE MARYLAND DEPARTMENT OF TRANSPORTATION SHALL, IN
11 ACCORDANCE WITH THE ANNUAL STATE BUDGET, ALLOCATE MONEY FROM THE
12 TRANSPORTATION TRUST FUND FOR THE PROGRAM AFTER ELEMENTS OF A
13 LONG-TERM PLAN FOR MANAGING DREDGED MATERIAL ARE OPERATIONAL AND
14 PROVIDE 20 YEARS OF PLACEMENT CAPACITY AS DEFINED IN §§ 5-1102(D)(2)(II) AND
15 5-1104.2(D) OF THE ENVIRONMENT ARTICLE.

16 6-803.

17 THE MARYLAND PORT ADMINISTRATION SHALL BE RESPONSIBLE FOR
18 TRANSPORTING ~~DREDGE~~ DREDGED MATERIAL AND THE COSTS ASSOCIATED WITH
19 TRANSPORTING ~~DREDGE~~ DREDGED MATERIAL FOR PROCESSING AT THE SITE OF A
20 ~~DREDGE~~ DREDGED MATERIAL REUSE FACILITY.

21 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
22 2006, the Maryland Department of Transportation shall report to the Governor and,
23 subject to § 2-1246 of the State Government Article, the General Assembly on the
24 planned date of funding of the Dredged Material Disposal Alternatives Program.

25 SECTION 3. AND BE IT FURTHER ENACTED, That an individual or business
26 enterprise that receives financial assistance from the ~~Dredge~~ Dredged Material
27 Disposal Alternatives Program established by this Act for the development,
28 construction, or operation of a ~~dredge~~ dredged material reuse facility shall regularly
29 submit to the Department of Business and Economic Development a status report
30 that clearly documents how the moneys are being used by the individual or business
31 enterprise and the extent to which ~~dredge~~ dredged material has been processed and
32 reused.

33 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That the Department of
34 Business and Economic Development may impose terms and conditions on financial
35 assistance provided from the ~~Dredge~~ Dredged Material Disposal Alternatives
36 Program established under this Act.

37 SECTION ~~4.~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
38 effect October 1, 2004.

